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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

7 ALFRED GRAY,  
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9 Plaintiff,  
10 v.  
11 COMMISSIONER OF SOCIAL SECURITY,  
12 Defendant.

\* \* \*

Case No. 3:14-cv-00593-MMD-WGC

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE  
JUDGE WILLIAM G. COBB

13 Before the Court is Magistrate Judge William G. Cobb's Report and  
14 Recommendation ("R&R") (dkt. no. 17), regarding Plaintiff's document titled "Response  
15 to Social Security," which was construed as a motion to reverse or remand the Social  
16 Security Administration's decision finding him not disabled (dkt. no. 12), and the  
17 Commissioner's cross-motion to affirm (dkt. no. 15). The Court allowed Plaintiff to file  
18 any objections by February 15, 2016 (dkt. no. 17). No objections have been filed.

19 This Court "may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
21 timely objects to a magistrate judge's report and recommendation, then the court is  
22 required to "make a *de novo* determination of those portions of the [report and  
23 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails  
24 to object, however, the court is not required to conduct "any review at all . . . of any issue  
25 that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
26 Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
27 magistrate judge's report and recommendation where no objections have been filed. See  
28 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to  
2 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
4 view that district courts are not required to review "any issue that is not the subject of an  
5 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then  
6 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in  
10 order to determine whether to adopt the R&R. Upon review of the R&R and the records  
11 in this case, the Court finds good cause to adopt the R&R in full.

12 It is hereby ordered that the R&R (dkt. no. 17) is accepted and adopted in full.  
13 This matter is remanded to the ALJ for further proceedings. The Commissioner's cross-  
14 motion to affirm (dkt. no. 15) is denied.

15 The Clerk is directed to close this case.

16 DATED THIS 26<sup>th</sup> day of February 2016.



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18 MIRANDA M. DU  
19 UNITED STATES DISTRICT JUDGE  
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